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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Letter dated 28 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

Pursuant to paragraph 3 (a) of Security Council resolution 1591 (2005) and the note verbale from the Chairman of the Sudan sanctions Committee, I attach the report of Her Majesty's Government on the steps taken to implement and enforce the measures contained in subparagraphs 3 (d) and (e) and paragraph 7 of the above-mentioned resolution (see annex). Please do not hesitate to contact me if you require any further information on any aspect of United Kingdom implementation and enforcement of resolution 1591 (2005).

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom
to the United Nations

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Annex to the letter dated 28 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

Report of the United Kingdom pursuant to paragraph 3(a) vi of resolution 1591 (2005)

Introduction

1. Please see the relevant sections below for details of how the UK has implemented the measures contained in subparagraphs 3(d) and (e) and paragraph 7 of UNSCR 1591 (2005) within the UK's legal and administrative structure. The International Organisations Department of the Foreign and Commonwealth Office will ensure that details of individuals and entities designated with respect to these measures are transmitted to appropriate government departments and posts overseas.

Financial asset freeze

2. The UK has made provisions to implement the financial sanctions ("assets freeze") in subparagraph 3(e) of UNSCR 1591 (2005) by way of Sudan (United Nations Measures) Order 2005 using powers conferred by the United Nations Act 1946. The Order is based on the specific language and intention of the UNSCR, which it implements into UK law. The Order came into force on 12 May 2005 as Statutory Instrument (SI) no. 2005/1259.

Travel ban

3. The UK has made provision to implement the travel ban in subparagraph 3(d) of UNSCR 1591 (2005) using secondary legislation under Section 8B of the Immigration Act 1971 (as inserted by Section 8 of the Immigration and Asylum Act 1999). The current secondary legislation - The Immigration (Designation of Travel Bans) (Amendment) Order 2004 came into force on 16 December 2004. The Immigration Act provides for the exclusion from the UK of persons subject to either UN or EU restrictive travel measures which have been designated by Order. Under Section 8B unless one of the exceptions set out in the designating Order applies, an excluded person must either be refused leave to enter or remain in the UK, or have his existing leave cancelled.

4. Until designation by Order, since the effective date of UNSCR 1591 (2005), the travel ban is able to be implemented by the UK using administrative provisions contained within the Immigration Rules to ensure that named individuals are prevented from transiting or obtaining leave to enter the UK. This is done through personal exclusion by the Home Secretary or by an entry clearance officer or immigration officer using provisions in the Immigration Rules to refuse entry where it is considered conducive to the public good to do so, on grounds of the person's character, conduct or associations.

Arms Embargo

5. The UK implements the arms embargo in paragraph 7 of UNSCR 1591 (2005) as follows:

- The ban on the direct export of arms and related materiel of all types from the UK is implemented administratively through the provisions of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 (SI 2003/2964), as amended.
- The ban on the supply, or involvement in the supply, of arms and related materiel by our nationals anywhere in the world is covered by the provisions of the Trade in Controlled Goods (Embargoes Destinations) Order 2004 (SI 2004/318) where Sudan is a destination named in the Schedule to the Order.
- The ban on the supply of technical training and assistance related to the provision, manufacture, maintenance or use of arms and related materiel is implemented by Council Regulation (EC) 131/2004 as amended by Council Regulation (EC) 838/2005. Licensing and enforcement powers for the EC Regulations are provided for in the Sudan (Technical Assistance and Financing and Financial Assistance) (Penalties and Licences) Regulations 2004 (SI 2004/373).

UK Overseas Territories and Crown Dependencies

6. In the UK Overseas Territories, the arms embargo is implemented in the Sudan (Restrictive Measures) (Overseas Territories) Order 2004 (SI. No. 2004/349) as amended by the Sudan (Restrictive Measures) (Overseas Territories) (Amendment) Order 2004 (SI No.2004/1980). Financial sanctions are implemented by the Sudan (United Nations Sanctions) (Overseas Territories) Order 2005 No. 1258 which came into force 12 May 2005. In the UK Crown Dependencies the financial sanctions are implemented by the Sudan (United Nations Measures) (Isle of Man) Order 2005 No. 1463 and the Sudan (United Nations Measures) (Channel Islands) Order 2005 No. 1462. The travel ban is implemented administratively.

EU measures

7. On 18 July 2005 the European Union agreed Common Regulation *(EC) No* 1184/2005 to implement the measures in UNSCR 1591 (2005) in respect of the freezing of funds and economic resources of persons designated by the United Nations Sanctions Committee. On 30 May 2005 the European Union agreed Council Regulation (EC) No 838/2005 which brought the exemptions to the EU arms embargo against Sudan in line with UNSCR 1591 (2005).